



# CITY COUNCIL

## AGENDA REQUEST

AGENDA OF:	10/02/07	AGENDA REQUEST NO:	III A
INITIATED BY:	DOUGLAS SCHOMBURG, AICP ASST. PLANNING DIR. <i>Douglas P. Schomburg</i>	RESPONSIBLE DEPARTMENT:	PLANNING
PRESENTED BY:	DOUGLAS SCHOMBURG, AICP ASST. PLANNING DIR.	DEPARTMENT HEAD:	SABINE SOMERS-KUENZEL, AICP, DIRECTOR OF PLANNING <i>AK</i>
		ADDITIONAL DEPARTMENT HEAD (S):	N/A
SUBJECT / PROCEEDING:	CONDITIONAL USE PERMIT (CUP) TO EXPAND A LONG TERM CARE HOSPITAL IN THE BUSINESS OFFICE (B-O) DISTRICT AT 1550 FIRST COLONY BOULEVARD SECOND READING OF ORDINANCE NO. 1642		
EXHIBITS:	STAFF REPORT, VICINITY MAP, AERIAL, SITE PHOTOS, PROPOSED ORDINANCE NO. 1642, CORRESPONDENCE FROM APPLICANT, PUBLIC HEARING NOTICE		
CLEARANCES		APPROVAL	
LEGAL:	MEREDITH WILGANOWSKI, <i>MW</i> ASSISTANT CITY ATTORNEY	EXECUTIVE DIRECTOR:	JIM CALLAWAY <i>Jim Callaway</i> COMMUNITY DEVELOPMENT
PURCHASING:	N/A	ASST. CITY MANAGER:	N/A
BUDGET:	N/A	CITY MANAGER:	ALLEN BOGARD <i>Allen Bogard</i>
BUDGET			
EXPENDITURE REQUIRED: \$		N/A	
AMOUNT BUDGETED/REALLOCATION: \$		N/A	
ADDITIONAL APPROPRIATION: \$		N/A	
RECOMMENDED ACTION			
The Planning and Zoning Commission unanimously recommended approval of the proposed CUP.			

## EXECUTIVE SUMMARY

This item is a second reading on a requested Conditional Use Permit (CUP) to expand an existing long term care hospital (Triumph Hospital) located at 1550 First Colony Boulevard, in the Business Office (B-O) district. The Business Office (B-O) District zoning triggers the CUP requirement for any expansion as a Long-Term Care Hospital. The property is located to the south of the intersection of Soldiers Field Court and First Colony Boulevard on an eight acre site and has been used consistently as a long term care facility since 2002. City Council approved a CUP in 2004 for a 35,000 square foot addition. However, that CUP expired. Since that time, the applicant has revised expansion plans that are based on the 2004 CUP concept but reduce the proposed square footage by 62%. The 2007 expansion proposal consists of approximately 12,802 square feet. The Planning Department has conducted an analysis of the proposal and additional details, including a conceptual site plan are contained within the report. The proposed CUP does not appear to pose use or intensity issues, and is not in conflict with the Comprehensive Plan.

This item went before the Planning and Zoning Commission for a Public Hearing on July 26, 2007 where no significant issues were expressed. The Commission voted unanimously to recommend approval of the requested CUP to the Mayor and City Council on August 14, 2007. Supplemental information is attached.

File No. 8356

CC: [dlittlefield@triumph-healthcare.com](mailto:dlittlefield@triumph-healthcare.com), [mdionne@triumph-healthcare.com](mailto:mdionne@triumph-healthcare.com), [cdt@cdtaia.com](mailto:cdt@cdtaia.com)

## EXHIBITS

### STAFF REPORT

#### GENERAL SITE INFORMATION AND ANALYSIS:

The following is a summary of general site information.

<b>Adjacent Zoning</b>	<b>North:</b>	<b>Business Office (B-O)</b>
	<b>South:</b>	<b>Business Office (B-O)</b>
	<b>East:</b>	<b>Standard Single-Family Residential (R-1)</b>
	<b>West:</b>	<b>Standard Single-Family Residential (R-1)</b>
	<b>Site:</b>	<b>Business Office (B-O)</b>
<b>Adjacent Land Use</b>	<b>North:</b>	<b>Office bldg.</b>
	<b>South:</b>	<b>Meadowcroft ROW &amp; Religious institution (Ismali center)</b>
	<b>East:</b>	<b>Single family residential (Meadow Lakes)</b>
	<b>West:</b>	<b>Ditch H &amp; vacant land (Telfair future residential)</b>
	<b>Site:</b>	<b>Existing Triumph Hospital</b>

## **DEVELOPMENT CODE PROVISIONS FOR CONDITIONAL USE PERMITS:**

### **Sec. 2-22. Standard of Review**

In reviewing the application, the Commission and Council will consider the impact the proposed use would have on surrounding premises and the community, including traffic, noise, and property values; any conditions or restrictions that could mitigate any adverse impact; and other matters that are relevant to a determination of whether the use would be a compatible and appropriate use of the premises.

### **Sec. 2-23. Conditions**

The Commission may recommend, and the Council may impose, reasonable conditions and restrictions in the granting of a permit to mitigate any adverse impacts of the proposed use. The conditions must be specified in the ordinance approving the permit.

### **ANALYSIS:**

#### ***Background Case Information: (Property / Facility Use History)-***

The property at 1550 First Colony Boulevard has had a history of medical-related uses since the 1980's. The facility was originally constructed and licensed as a hospital prior to annexation into the corporate limits of Sugar Land by Charter Hospital. Following annexation in the 1990's as a part of the First Colony area the facility was renovated, and in 1999 a Conditional Use Permit was granted by the City of Sugar Land to operate as an assisted living facility. By mid 2001, due to financial problems, the assisted living facility ceased to operate. In 2002, a CUP was requested by First Colony Investments, LLC, to operate and expand as a Long-term care hospital. The CUP was required in order to re-occupy the building changing the use from assisted living center to long-term care hospital, and make changes to the building footprint. The Standard Industrial Classification (SIC) Code manual further defines the uses at the Triumph Hospital facility as "Skilled Nursing Care Hospitals" under #8051 and "Specialty Hospitals" under #8069. The subsequent CUP was granted in August of 2002 by the City Council following a recommendation of approval from the Planning and Zoning Commission. The existing facilities at 1550 First Colony Boulevard have been in operation as a Long-term care hospital since approval of CUP Ordinance No. 1360 in 2002, with a parking lot addition since that time.

#### **2004 Conditional Use Permit-**

Due to proposed large-scale expansion plans, Triumph Hospital brought a new CUP proposal to the City in 2004. While the uses were not changing, the expansion would increase the building footprint and square footage, as well as number of stories. A breakdown of the key 2004 proposal was as follows:

- \*Expansion of Radiology Department- 3,970 sq. ft.
  - \*General Surgery Unit and ICU addition- 4820 sq. ft.
  - \*Two-story patient care area on west end of existing buildings- 19,530 sq. ft. with 22 beds
  - \*Additional square footage for operations and storage areas
- Summary sq. ft.= approx. 35,000

Key areas examined by staff were land use intensity, traffic, circulation, and parking. Based on traffic study information, the Engineering Department concluded that no significant mitigation

measures were required for the facility based on the layout and useage Parking lot expansion for the facility took into account expansion plans, and parking was determined to be in compliance with the Development Code. The areas of expansion were not located adjacent to residential neighborhoods and were buffered by the adjacent Ditch H drainage facility and adjacent Business Office zoning to the north and south. Also, the location within the Business Office District requires any expansion to meet the city building finish standard ratio of 85% Primary Materials of either brick, glass, or stone. The question of anticipated emergency ambulance services was also examined and the applicant indicated that there were very few emergency calls to the facility, and low impact to the area, unlike a general hospital facility.

After review by the Planning and Zoning Commission, a unanimous recommendation of approval was given to the City Council for the CUP. Council approved the CUP in April of 2004 for the expansions. During the process, there were several inquiries from the public (general informational), but no opposition. At that time, the Development Code required that a building permit be obtained within one year for the proposed improvements in order to avoid CUP expiration. The applicant subsequently applied for a one-year CUP extension prior to April 2005, and the City Council granted the additional year for permit submittal. However, due to corporate internal issues, no permits were applied for, and by April 2006 the CUP had expired.

#### **2007 Conditional Use Permit-**

The applicant submitted a new CUP request in June of 2007 following contact with the Planning Department about expansion plans. The new CUP contains revised plans for the facility that are a significant reduction from the 2004 CUP. The current proposal is as follows:

\*One-story patent care area attached to existing buildings- 9,664 sq. ft. with 16 beds

\*ICU expansion of four beds with new treatment area- 3138 sq. ft.

The total square footage additions of approximately 12,802 square feet, which is a reduction of approximately 21,898 square feet (62% reduction). The 2007 plans are for single-story construction only, and 20 beds total

#### ***Examination:***

- Parking at facility is adequate for expansion based on Ch. Two (Dev. Code)
  - Required Spaces: 144 (104 beds total @ 1 per every 2 beds +1 per each employee @ approx. 92 employees)
  - Provided Spaces: 164
- Existing access is not proposing to change / No additional drives requested
- Reduction of square footage and building bulk from prior CUP request further reduces land use intensity
- Areas of expansion still proposed toward rear areas of existing buildings at site (buffered from residential across First Colony Boulevard)
- 2006 Development Code Amendments (Ch. 2, Art. I) to CUP expiration provisions allow additional flexibility to applicant as to timing that was not previously available.

### **PUBLIC HEARING:**

As required under Chapter Two, Article I of the Development Code and state law, a hearing notice for this item was published in a newspaper of general circulation and property owners within 200' of the site were sent notices. Notice was posted on the City of Sugar Land Internet Home Page as well. Since the item is site specific to property at 1550 First Colony Boulevard, a courtesy notification sign indicating a public hearing to be held was placed on the property. At the time of this report, staff has received one inquiry regarding the CUP case, which was informational in nature.

### **PLANNING AND ZONING COMMISSION ACTION:**

As stated in the Executive Summary, the Planning and Zoning Commission first reviewed the case at a Public Hearing Meeting conducted on July 26, 2007. There were no members of the public that spoke with regard to the project, and the Commission asked a few general questions regarding the perimeter area of the site. Staff clarified that any ambulance transportation is anticipated to be very limited (as discussed in the 2004 CUP) and the use of the facility will not be changing. On August 14, 2007, the Commission voted unanimously to recommend approval of the CUP based on the proposed layout plan.

### **POINTS FOR CONSIDERATION:**

- CUP Case is similar in nature to approved CUP from 2004, with exception that square footage is reduced by approximately 62%
- Use has been established at the site and location has features that buffer the expansion area
  - Area of expansion is toward rear of property and further buffered from future Telfair residential by landscaping, Levee System, and Ditch H
- Does not appear to be in conflict with Land Use Plan or other provisions of Comprehensive Plan
- See key conditions recommended below

### **PROPOSED CONDITIONAL USE PERMIT (CUP) PROVISIONS:**

**Proposed Uses: (Two SIC Codes as included within the 2004 CUP Ordinance)**

**SIC Code No. 8051 Skilled Nursing Care**

**and**

**SIC Code No. 8069 Specialty Hospital**

- **Excluding Rehabilitation Hospitals: Drug Addiction**
- **Excluding Rehabilitation Hospitals: Alcoholism**

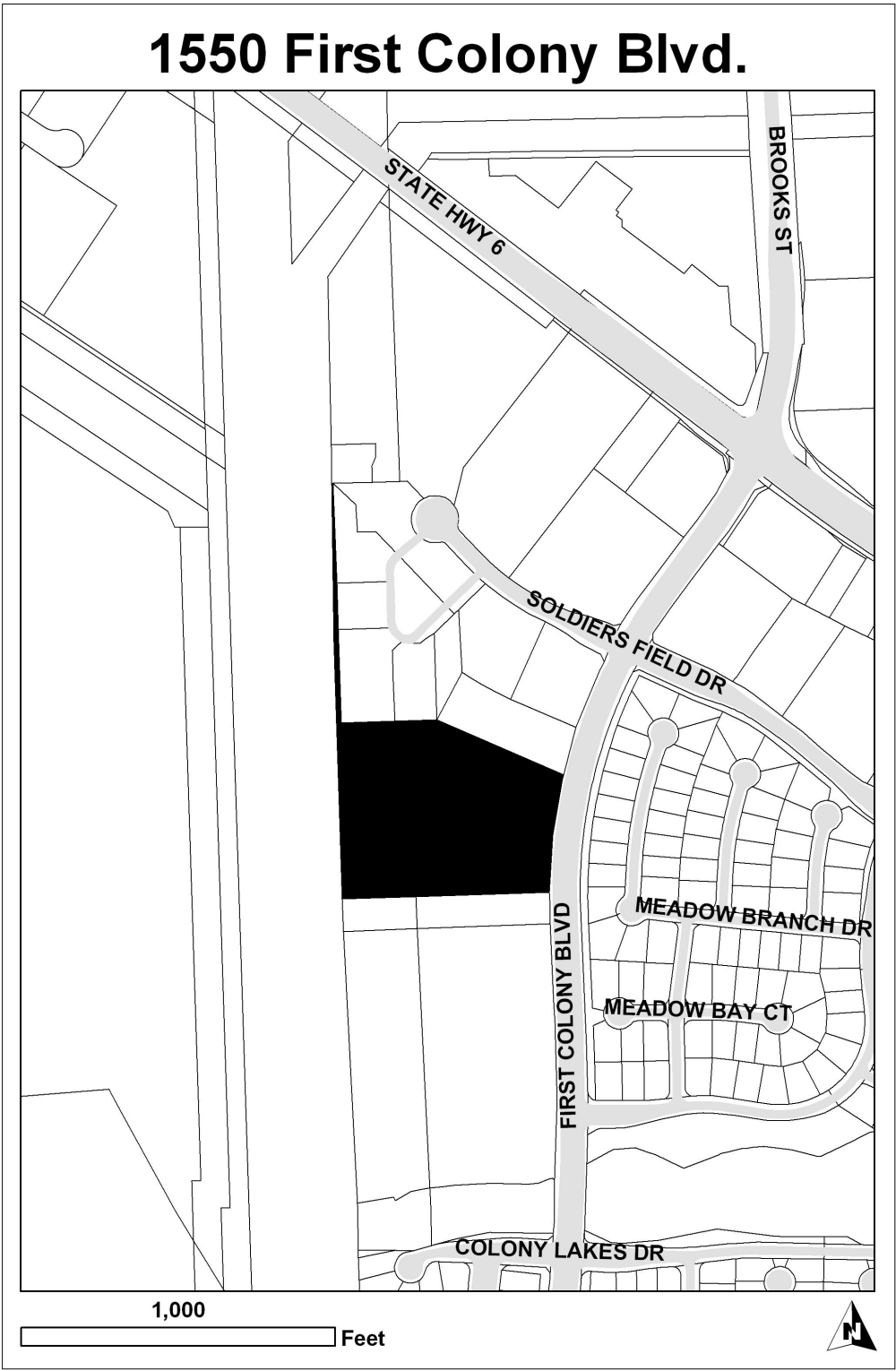
**Standard Condition-**

**Attachment of the Site Plan that illustrates-**

- **Specific location of proposed improvements**
- **Specific square footage additions**
- **One-story construction**

Vicinity Map:

1550 First Colony Blvd.





Aerial:





**Site Photos:**

***Expansion Area at Triumph Hospital***



***View at First Colony Blvd.***



***View along First Colony Blvd.***



***View facing North along west edge of property at Ditch H***





**ORDINANCE NO. 1642**

**AN ORDINANCE OF THE CITY OF SUGAR LAND, TEXAS, GRANTING A CONDITIONAL USE PERMIT TO EXPAND AN EXISTING HOSPITAL FACILITY LOCATED AT 1550 FIRST COLONY BOULEVARD.**

WHEREAS, First Colony Investments, L.L.P. has applied for a conditional use permit to expand an existing hospital facility in a Business Office (B-O) zoning district for the real property located at 1550 First Colony Boulevard; and

WHEREAS, the Planning and Zoning Commission recommends the permit be approved; NOW, THEREFORE;

**BE IT ORDAINED BY THE CITY COUNCIL  
OF THE CITY OF SUGAR LAND, TEXAS:**

**Section 1.** That a conditional use permit to expand an existing hospital facility (SIC No. 8051; Skilled Nursing Care and SIC No. 8069; Specialty Hospital – excluding Drug Addiction and Alcoholism) is granted for the property as described in Exhibit A, attached to and incorporated into this ordinance by reference.

**Section 2.** That the premises will be developed, operated, and maintained in accordance with the ordinances of the City of Sugar Land and in accordance with the site plan dated June 20, 2007 shown in Exhibit B, attached to and incorporated into this ordinance by reference. If there is a conflict between a provision of this ordinance and a provision of the Code of Ordinances or the Sugar Land Development Code, the more stringent provision controls.

**Section 4.** That any person found guilty of intentionally violating this ordinance will be fined not more than \$2,000 for each offense.

APPROVED on first consideration on \_\_\_\_\_, 2007.

ADOPTED upon second consideration on \_\_\_\_\_, 2007.

\_\_\_\_\_  
David G. Wallace, Mayor

ATTEST:

\_\_\_\_\_  
Glenda Gundermann, City Secretary

Reviewed for Legal Compliance:

*Meredith Wilganski*

Attachments: Exhibit A – Metes and Bounds Description  
Exhibit B - Site Plan Dated June 20, 2007

LEGAL DESCRIPTION

BEING A 8.0000-ACRE TRACT OUT OF A 379.134 ACRE TRACT DESIGNATED AS FIRST COLONY MUNICIPAL UTILITY DISTRICT NO. 2, AND ALSO BEING OUT OF THE SUGARLAND PROPERTIES INCORPORATED TRACTS 9 AND 10. AS RECORDED IN VOLUME 607, PAGE 101 OF THE FORT BEND COUNTY DEED RECORDS, ALSO LOCATED IN THE ALEXANDER HODGE LEAGUE, A-32, FORT BEND COUNTY, TEXAS. SAID 8.0000-ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY MEETS AND BOUNDS AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTHWEST RIGHT-OF-WAY LINE OF STATE HIGHWAY 6 (RIGHT-OF-WAY VARIES), AND THE EAST LINE OF THE FORT BEND COUNTY LEVEE IMPROVEMENT DISTRICT NO. 2 DRAINAGE EASEMENT, AS RECORDED IN VOLUME 841, PAGE 90, OF THE FORT BEND COUNTY DEED RECORDS, SAID POINT ALSO BEING THE NORTHWEST CORNER OF THE 379.134 ACRE FIRST COLONY MUNICIPAL UTILITY DISTRICT NO. 2;

THENCE, SOUTH 37 DEGREES 15 MINUTES 14 SECONDS WEST, 291.20 FEET ALONG THE WEST LINE OF THE 379.134 ACRE TRACT AND THE EAST LINE OF THE FORT BEND COUNTY LEVEE IMPROVEMENT DISTRICT NO. 2 DRAINAGE EASEMENT TO A POINT;

THENCE, SOUTH 01 DEGREES 50 MINUTES 27 SECONDS EAST, 1421.46 FEET ALONG THE WEST LINE OF THE 379.134 ACRE TRACT AND THE EAST LINE OF THE FORT BEND COUNTY LEVEE IMPROVEMENT DISTRICT NO. 2 DRAINAGE EASEMENT TO A POINT;

THENCE, NORTH 88 DEGREES 09 MINUTES 02 SECONDS EAST, 302.84 FEET TO A 5/8 INCH IRON ROD FOUND AT A CORNER;

THENCE, SOUTH 67 DEGREES 29 MINUTES 02 SECONDS EAST, 436.86 FEET TO A NAIL FOUND IN CONCRETE ON THE ARC OF A 1625.00 FOOT RADIUS CURVE TO THE LEFT, AND BEING IN THE NORTHWEST RIGHT-OF-WAY LINE OF FIRST COLONY BOULEVARD (100-FOOT WIDE) AS RECORDED IN VOLUME 30, PAGE 4 OF THE FORT BEND COUNTY PLAT RECORDS;

THENCE, 393.40 FEET ALONG THE NORTHWEST RIGHT-OF-WAY LINE OF FIRST COLONY BOULEVARD AND THE ARC OF THE 1625.00 FOOT RADIUS CURVE TO THE LEFT, HAVING CENTRAL ANGLE OF 13 DEGREES 51 MINUTES 15 SECONDS AND A CHORD BEARING SOUTH 06 DEGREES 26 MINUTES 31 SECONDS WEST, 392.44 FEET TO THE SOUTHEAST CORNER OF THE TRACT HEREIN DESCRIBED FROM WHICH A FOUND 5/8 INCH IRON ROD BEARS NORTH 79 DEGREES 36 MINUTES EAST, 0.56 FEET;

THENCE, SOUTH 88 DEGREES 09 MINUTES 33 SECONDS WEST, 644.28 FEET TO A 5/8 INCH IRON ROD SET ON THE WEST LINE OF THE 379.134 ACRE TRACT AND THE EAST LINE OF THE FORT BEND LEVEE IMPROVEMENT DISTRICT NO. 2 DRAINAGE EASEMENT, THE SAME POINT BEING THE SOUTHWEST CORNER OF THE TRACT HEREIN DESCRIBED;

THENCE, NORTH 01 DEGREES 50 MINUTES 27 SECONDS WEST, 568.51 FEET ALONG THE WEST LINE OF THE 379.134 ACRE TRACT, AND THE EAST LINE OF THE FORT BEND COUNTY IMPROVEMENT DISTRICT NO. 2 DRAINAGE EASEMENT TO THE POINT OF BEGINNING AND CONTAINING 8.0000 ACRES.

SLIDE 1768/1 FORT BEND COUNTY PLAT RECORDS.

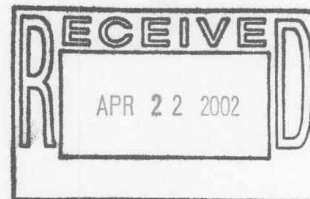


EXHIBIT A





**THIS CUP AFFECTS ACREAGE WITHIN THE EIGHT ACRES PLATTED AS SUGAR LAND RETIREMENT COMMUNITIES, INC., FORT BEND COUNTY PLAT RECORDS FILE NO. 1768/A, AS RECORDED ON SEPTEMBER 29, 1998.**

Correspondence:



Legal Desc.  
FBCPR:1768/A

PLANNING DEPARTMENT  
CONDITIONAL USE PERMIT OR REZONING APPLICATION

Please type or print the following information & Return your submittal to the Planning Department, City Hall,  
2700 Town Center Blvd. North, Sugar Land, TX 77479, Attention: Development Review Coordinator

**Applicant**

Contact Dexter Littlefield

Address 1550 First Colony Blvd. Sugar Land, Texas 77479

Phone 281.275.6000 Fax 281.275.6294

Email dlittlefield@triumph-healthcare.com

**Owner**

Contact First Colony Investments, LLP

Address 5353 West Alabama, Suite 610 Houston, Texas 77056-5999

Phone 713.290.1234 Fax 713.290.8843

Email \_\_\_\_\_

Property Legal Description: See Attached

Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_

Current Zoning District B-D Proposed Zoning District, if applicable \_\_\_\_\_

If this is a CUP application:      ☐ new building      ☒ existing building

Proposed Use (CUP only) Expansion

This is to certify that the information on this form is COMPLETE, TRUE, and CORRECT and the undersigned is authorized to make this application. This application expires six months from the date stamped as received by the Planning Department if no action has been taken by the Planning and Zoning Commission on this request.

X [Signature] \_\_\_\_\_ 6/11/07  
Signature of Applicant Date

**Submittal Requirements (Submittal Deadline is Monday at 3:00 p.m.):**

- ☐ Three (3) copies of the completed application
- ☐ Check for \$1,000.00 (non-refundable) \$400 if CUP is in Mixed Use Conservation (MUC) District
- ☐ Metes and bounds of the site or county slide number of plat, if recorded
- ☐ Two (2) 24" x 36" blue-line copies and two (2) 11" x 17" copies of the CUP layout plan or the property to be rezoned, including a vicinity map and north arrow on each copy
- ☐ Two (2) copies of a letter stating the applicant's request and addressing issues relating to a CUP including traffic circulation, parking, plan of operation, and other pertinent information
- ☐ Names and mailing addresses of all property owners and tenants within 200 feet of site, including owner and applicant

Please note: A courtesy notification sign will be placed on the subject property during the public hearing process and will be removed when the case has been processed.



June 11, 2007

Re: Plan of Operation  
Triumph Hospital-Southwest

Dear Mr. Schomburg:

Pursuant to the Conditional Use Permit submitted as of this date Triumph Hospital Southwest plans to expand the facility by adding a new nursing unit, new ICU beds, and a new treatment/dialysis area.


Listed below are the expansion projects:

- Add a 16 bed, 11,060 square foot patient care unit.
- Expand the ICU by 4 beds with a new treatment/dialysis area adding 3138 square feet to the facility.

When complete the facility will expand from 70,863 square feet to 85,061.

Please contact our facility at any time for clarification if needed.

Respectfully,

  
Dexter Littlefield  
Director of Plant Operations  
281-275-6010

*"The Leader in the Continuum of Intensive Care Services"*

1550 First Colony Blvd. | Sugar Land, TX 77479 | tel: 281.275.6000 | fax 281.491.7255 | [www.triumph-healthcare.com](http://www.triumph-healthcare.com)

**Note-**

**Square footage revised per June 20, 2007 Conceptual Site Plan Resubmittal:  
By Clifton Thomason AIA (verified by phone)  
(9,664 square feet for General Patient Area with 16 Beds)  
(3,138 square feet for ICU addition with 4 Beds)**

**Public Hearing Notice:**

**NOTICE OF PUBLIC HEARING**

**NOTICE OF PUBLIC HEARING REGARDING A REQUEST FOR A CONDITIONAL USE PERMIT FOR EXPANSION OF A LONG TERM CARE HOSPITAL IN THE BUSINESS OFFICE (B-O) DISTRICT BY TRIUMPH HOSPITAL SOUTHWEST FOR PROPERTY AT 1550 FIRST COLONY BOULEVARD.**

**FURTHER DESCRIBED AS EIGHT ACRES PLATTED AS SUGAR LAND RETIREMENT COMMUNITIES, INC., AS RECORDED IN THE FORT BEND COUNTY PLAT RECORDS AS SLIDE NO. 1768/A, LOCATED IN THE ALEXANDER HODGE LEAGUE, A-32 & SM WILLIAMS LEAGUE, A-97 FORT BEND COUNTY, TEXAS. FORT BEND COUNTY, TEXAS.**

**PURPOSE:** One (1) public hearing shall be held at which all persons interested in the proposed conditional use permit (CUP) request shall be given an opportunity to be heard.

**WHERE:** CITY OF SUGAR LAND CITY COUNCIL CHAMBER  
CITY HALL  
2700 TOWN CENTER BOULEVARD NORTH  
SUGAR LAND, TEXAS

**WHEN:** CITY OF SUGAR LAND  
CITY COUNCIL MEETING  
6:00 P.M., SEPTEMBER 18, 2007

**DETAILS OF THE PROPOSED CONDITIONAL USE PERMIT MAY BE OBTAINED BY CONTACTING THE CITY OF SUGAR LAND PLANNING OFFICE AT (281) 275-2218 OR BY EMAIL AT [PLANNING@SUGARLANDTX.GOV](mailto:PLANNING@SUGARLANDTX.GOV). THE PLANNING OFFICE IS OPEN MONDAY THROUGH FRIDAY FROM 8:00 O'CLOCK A.M. TO 5:00 O'CLOCK P.M., AND IS LOCATED AT CITY HALL, 2700 TOWN CENTER BOULEVARD NORTH, SUGAR LAND, TEXAS. PLEASE CONTACT US IF YOU WISH TO SET UP AN APPOINTMENT TO GO OVER ADDITIONAL DETAILS IN PERSON.**